THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on : 06.08.2007

\+ **CS(OS) 676/2000**

M/S CASTROL LIMITED & ANOTHER .....Plaintiffs

- versus -

M/S PANNA LAL JAGJIVAN RAM & ORS ...Defendants

Advocates who appeared in this case:
For the Plaintiffs : Mr Manmohan Singh.
For the Defendants : None.

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J(ORAL)

1. This is a suit for permanent injunction, infringement of trade mark, copyright, passing off against the defendants in respect of the plaintiffs' trade mark CASTROL. The said mark is the subject matter of several registrations as mentioned in para 9 of the plaint.

2. A decree in respect of the defendant Nos 2 and 6 has already been passed by virtue of the order dated 12.12.2006. Insofar as the defendant No. 4 is concerned, the learned counsel for the plaintiffs submits that he would drop the said defendant for the time being. Therefore, the suit survives only in respect of defendant Nos 3, 7 and 8

who have already been directed to be proceeded with *ex parte* by virtue of the order dated 29.01.2004.

3. The plaintiffs have filed their affidavit by way of evidence on 18.11.2005 wherein they have substantiated and supported the pleadings contained in the plaint. The plaintiffs are international manufacturers and merchants of a wide range of products including oils, lubricants, greases etc. The trade mark CASTROL is well known in the market and, particularly, in the automotive sectors. During the first week of June 1999, it came to the notice of the plaintiff No.2 that several persons in and around Kanpur area had started infringing the trade marks and committing offences under the Trade and Merchandise Marks Act, 1958 and the Copyright Act, 1957. The details of the trade marks, in respect of which the infringement was carried out, is given in paragraph 20 of the plaint as also in paragraph 7 of the evidence affidavit. It is also stated that on 11.06.1999, the local Police at Collector Ganj had raided the premises of the defendants. The products marketed by the defendants were identical to the products of the plaintiffs. The said products had been recovered by the police in the said raid.

4. Accordingly, a clearcut case of infringement has been made out by the plaintiffs. The defendant Nos 3, 7 and 8 have chosen not to appear in these proceedings or to controvert the same. The copyright has also been infringed inasmuch as the packaging material as well as the design etc have been copied in toto.

5. In view of the foregoing, the plaintiffs are entitled to a decree. Accordingly, the suit is decreed in terms of prayers a, b and c contained in the plaint.

A formal decree be drawn up. The plaintiffs are also entitled to costs which are quantified at Rs 50,000/-.

The suit is disposed of.

BADAR DURREZ AHMED
(JUDGE)

August 06, 2007
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